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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16
17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 v.
20 NICHOLAS SOLIS,
21 Defendant.

22 CASE NO. 1:21-CR-00083-DAD-BAM
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 AND ORDER
26 DATE: April 27, 2022
27 TIME: 1:00 p.m.
28 COURT: Hon. Barbara A. McAuliffe

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30 This case is set for STATUS CONFERENCE on April 27, 2022. Plaintiff United States of
31 America, by and through its counsel of record, and defendant, by and through defendant's counsel of
32 record, hereby stipulate as follows:

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34 1. By previous order, this matter was set for status on April 27, 2022.
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36 2. By this stipulation, the parties move to continue the status conference until July 13, 2022,
37 and to exclude time between April 27, 2022, and July 13, 2022, under 18 U.S.C. § 3161(h)(3)(A).
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39 3. The parties agree and stipulate, and request that the Court find the following:
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41 a) On April 14, 2022, the Honorable Erica P. Grosjean, U.S. Magistrate Judge in and
42 for the Eastern District of California signed a Pretrial Release Violation Petition and issued a
43 bench warrant for the arrest of Nicholas Solis. The Petition alleges that "On April 14, 2022,
44 Pretrial Services made telephonic contact with the individual with whom the defendant resided
45 and was informed the defendant moved from the residence at the beginning of March 2022.

1 Notably, the defendant moved from his residence without the approval of his pretrial services
2 officer. In addition, prior efforts to contact the defendant over the course of the past several
3 weeks have been unsuccessful and his whereabouts are currently unknown. Pretrial Services
4 currently has no way of contacting the defendant.”

5 b) Federal law enforcement have made and continue to make attempts to locate the
6 defendant but have been unable to find him. His whereabouts are unknown and cannot be
7 determined by due diligence.

8 c) Nicholas Solis is absent, as “his whereabouts are unknown and, in addition, he is
9 attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due
10 diligence.” *See* 18 U.S.C. § 3161(h)(3)(B).

11 d) The Speedy Trial Act provides that “[a]ny period of delay resulting from the
12 absence . . . of the defendant . . .” “shall be excluded in computing the time . . . within which the
13 trial . . . must commence.” 18 U.S.C. § 3161(h)(3)(A).

14 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of April 27, 2022 to July 13, 2022,
16 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(3)(A) because this period of
17 delay has resulted from Nicholas Solis being absent.

18 f) If the defendant is apprehended before July 13, 2022, the parties will appear
19 before the court on the violation petition and will address any necessary future status conferences
20 and time exclusions at that time.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.

25 Dated: April 15, 2022

PHILLIP A. TALBERT
United States Attorney

26
27 /s/ JUSTIN J. GILIO
28 JUSTIN J. GILIO
Assistant United States Attorney

1 Dated: April 15, 2022

2 /s/ Yan Shrayberman
3 Yan Shrayberman
4 Counsel for Defendant
5 NICHOLAS SOLIS

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7 **ORDER**

8 IT IS SO ORDERED that the status conference is continued from April 27, 2022, to **July 13,**
9 **2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe.** Time is excluded pursuant to 18
10 U.S.C. § 3161(h)(3)(A).

11 IT IS SO ORDERED.

12 Dated: April 15, 2022

13 /s/ Barbara A. McAuliffe

14 UNITED STATES MAGISTRATE JUDGE